

Introduced by Senator Figueroa

April 18, 2005

Senate Joint Resolution No. 10—Relative to the U.S.A. PATRIOT Act .

LEGISLATIVE COUNSEL'S DIGEST

SJR 10, as introduced, Figueroa. U.S.A. PATRIOT Act.

This measure would urge the California Congressional delegation to work to repeal any provisions of the U.S.A. PATRIOT Act that limit or impinge on rights and liberties protected equally by the United States Constitution and the California Constitution and to oppose any pending and future federal legislation to the extent that it would infringe on Americans' civil rights and liberties.

This measure would also resolve that the State of California will ensure that no state resources be provided for any action that would violate the United States Constitution and the California Constitution, including specified actions.

Fiscal committee: no.

- 1 WHEREAS, The State of California recognizes the
2 Constitution of the United States of America as our charter of
3 liberty, and that the Bill of Rights enshrines the fundamental and
4 inalienable rights of Americans, including the freedoms of
5 religion, speech, assembly, and privacy; and
6 WHEREAS, The State of California has a distinguished
7 history of safeguarding the freedoms of its residents; and
8 WHEREAS, Each of the California's duly elected public
9 servants has sworn to defend and uphold the United States
10 Constitution and the Constitution of the State of California; and

1 WHEREAS, The State of California denounces and condemns
2 all acts of terrorism, wherever occurring; and

3 WHEREAS, Any new security measures of federal, state, and
4 local governments should be carefully designed and employed to
5 enhance public safety without infringing on the civil liberties and
6 rights of innocent persons in the State of California and the
7 nation; and

8 WHEREAS, Certain provisions of the Uniting and
9 Strengthening America by Providing Appropriate Tools Required
10 to Intercept and Obstruct Terrorism Act, also known as the
11 U.S.A. PATRIOT Act, allow the government greater authority to
12 detain and investigate persons and to engage in surveillance
13 activities that may violate or offend the rights and liberties
14 guaranteed by our federal and state constitutions, including rights
15 of due process, the right to privacy, the right to counsel,
16 protection against unreasonable searches and seizures, and basic
17 First Amendment freedoms; and

18 WHEREAS, The people of California are concerned that many
19 provisions of the U.S.A. PATRIOT Act, pose significant threats
20 to constitutional protections; now, therefore, be it

21 *Resolved by the Senate and the Assembly of the State of*
22 *California, jointly,* That the State of California supports
23 appropriate and effective measures by the government of the
24 United States of America and the State of California to combat
25 terrorism and affirms its commitment that the campaign not be
26 waged at the expense of essential civil rights and liberties of
27 citizens of this country contained in the United States
28 Constitution and the Bills of Rights; and be it further

29 *Resolved,* That the State of California also urges its
30 Congressional delegation to work to repeal any provisions of the
31 U.S.A. PATRIOT Act that limit or impinge on rights and
32 liberties protected equally by the United States Constitution and
33 the California Constitution and to oppose any pending and future
34 federal legislation to the extent that it would infringe on
35 Americans' civil rights and liberties; and be it further

36 *Resolved,* That the State of California will ensure that no state
37 resources be provided for any action that would violate the
38 United States Constitution, or the Constitution of the State of
39 California, including but not limited to, all of the following:

1 (1) Collecting or maintaining information about the political,
2 religious, or social views, associations, or activities of any
3 individual, group, association, organization, corporation,
4 business, or partnership, unless the information directly relates to
5 an investigation of criminal activities and there are reasonable
6 grounds to suspect the subject of the information is or may be
7 involved in criminal conduct.

8 (2) Recording, filing or sharing intelligence information
9 concerning a person or organization, including library lending
10 and research records, book and video store sales and rental
11 records, medical records, financial records, student records, and
12 other personal data, even if authorized under the U.S.A.
13 PATRIOT Act.

14 (3) Demanding nonconsensual releases of student and faculty
15 records from public schools and institutions of higher learning.

16 (4) Eavesdropping on confidential communications between
17 lawyers and their clients.

18 (5) Engaging in racial profiling that enables law enforcement
19 agencies to use race, religion, ethnicity, or national origin as
20 factors in selecting individuals to be subject to investigational
21 activities, except when seeking to apprehend a specific suspect
22 whose race, religion, ethnicity, or national origin is part of the
23 description of the suspect; and be it further

24 *Resolved*, That the Secretary of the Senate shall transmit
25 copies of this resolution to the President and Vice President of
26 the United States, to the Speaker of the House of
27 Representatives, to the Majority Leader of the Senate, and to
28 each Senator and Representative from California in the Congress,
29 the Attorney General of the United States, and to all federal and
30 state law enforcement agencies.